

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Hadi PARTOVI et al.)	ATTN: M/S AF
)	
Serial No.: 09/523,853)	Group Art Unit: 2141
)	
Filed: March 13, 2000)	Examiner: Q. Nguyen
)	
For: CONTENT PERSONALIZATION OVER)	
AN INTERFACE WITH ADAPTIVE)	
VOICE CHARACTER)	

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request review of the final Office Action, dated June 19, 2006, in view of the Remarks below and in conjunction with the Notice of Appeal filed concurrently with this request.

Remarks begin on page 2 of this paper.

REMARKS

Claims 26-52 are pending in this application. Claims 26-32, 35-41, 44-48, 50, and 52 stand rejected under 35 U.S.C. § 102(e) as anticipated by Albal et al. (U.S. Patent Publication No. 2003/0147518). Claims 33, 34, 42, 43, 49, and 51 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Albal et al. in view of Ksiazek (U.S. Patent No. 6,597,765). Applicants respectfully request review of the final rejection based on the reasons summarized below.

Applicants note that the Examiner issued a 12 page Advisory Action, dated September 7, 2006, in which the Examiner changed parts of the rejection given in the final Office Action. The rejection given in the Advisory Action is deficient for the same reasons provided in the After Final Request for Reconsideration, filed August 21, 2006. In the paragraphs below, reference will be made to the Examiner's rejection provided in the final Office Action. The different wording the Examiner provided in the Advisory Action falls short of curing the deficiencies in the Examiner's final rejection.

Also, Applicants acknowledge the Examiner's request, given in the Advisory Action, for Applicants to "substantially narrow" the claims. For the reasons summarized below, however, Applicants submit that the currently pending claims are patentable over any combination of Albal et al. and Ksiazek.

The rejection of claims 26-32, 35-41, 44-48, 50, and 52 under 35 U.S.C. § 102(e), as allegedly anticipated by Albal et al. contains factual deficiencies. For example, each of independent claims 16, 35, 44, and 52 includes features that are clearly not disclosed by Albal et al.

With regard to independent claim 26, for example, Albal et al. does not disclose or suggest identifying a second voice character based on a speaking voice detected through the voice portal interaction with the caller. See, for example, the arguments at pages 3-6 of the Request for Reconsideration filed August 21, 2006.

Albal et al. also does not disclose or suggest changing from the first voice character to the second voice character when further audibly interacting with the caller, as further recited in claim 26. See, for example, the arguments at pages 6-8 of the Request for Reconsideration filed August 21, 2006.

For at least these reasons, Applicants respectfully submit that claim 26 is not anticipated by Albal et al. Claims 27-32 depend from claim 26 and are, therefore, not anticipated by Albal et al. for at least the reasons given with regard to claim 26. Claims 27-32 are also not anticipated by Albal et al. for reasons of their own.

For example, claim 28 recites determining the first voice character as a voice character associated with a determined locale. Albal et al. does not disclose or suggest the combination of features recited in

claim 28. See, for example, the arguments at pages 8-9 of the Request for Reconsideration filed August 21, 2006.

For at least these additional reasons, Applicants respectfully submit that claim 28 is not anticipated by Albal et al.

Claim 29 recites presenting prompts to the caller based on the determined locale. Albal et al. does not disclose or suggest the combination of features recited in claim 29. See, for example, the arguments at page 10 of the Request for Reconsideration filed August 21, 2006.

For at least these additional reasons, Applicants respectfully submit that claim 29 is not anticipated by Albal et al.

Independent claims 35 and 52 recite features similar to, but possibly different in scope from, features recited in claim 26. Claims 35 and 52 are, therefore, not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claim 26. Claims 36-41 depend from claim 35. Claims 36-41 are, therefore, not anticipated by Albal et al. for at least the reasons given with regard to claim 35. Claims 36-41 also recite features similar to, but possibly different in scope from, features recited in claims 27-32. Claims 36-41 are, therefore, also not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claims 27-32.

Independent claim 44 recites features similar to, but possibly different in scope from, features recited in claims 26 and 28. Claim 44 is, therefore, not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claims 26 and 28. Claims 45-48 and 50 depend from claim 44. Claims 45-48 and 50 are, therefore, not anticipated by Albal et al. for at least the reasons given with regard to claim 44. Claims 45-48 and 50 also recite features similar to, but possibly different in scope from, features recited in claims 27-32. Claims 45-48 and 50 are, therefore, also not anticipated by Albal et al. for at least reasons similar to reasons given with regard to claims 27-32.

The rejection of claims 33, 34, 42, 43, 49, and 51 under 35 U.S.C. § 103(a) as allegedly unpatentable over Albal et al. in view of Ksiazek contains factual deficiencies.

Claims 33 and 34 depend from claim 26, claims 42 and 43 depend from claim 35, and claims 49 and 51 depend from claim 44. Without acquiescing in the Examiner's rejection of claims 33, 34, 42, 43, 49, and 51, Applicants respectfully submit that the disclosure of Ksiazek does not cure the deficiencies in the disclosure of Albal et al. identified above with regard to claims 26, 35, and 44. Therefore, claims 33, 34, 42, 43, 49, and 51 are patentable over Albal et al. and Ksiazek, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 26, 35, and 44.

In view of the foregoing remarks, Applicants submit that clear deficiencies exist with respect to

the rejections of claims 26-52. Therefore, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,
HARRITY SNYDER, LLP

/Paul A. Harrity/
Paul A. Harrity
Reg. No. 39,574

Date: September 14, 2006
11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800